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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,098	01/18/2001	Michael Clary	PURRING-PA-2	8219

7590

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EXAMINER

VU, STEPHEN A

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/765,098

Applicant(s)  
Clary et al

Examiner  
Stephen Vu

Group Art Unit  
3636



☒ Responsive to communication(s) filed on Jan 11, 2002

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) 3-5 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, and 6 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Jan 18, 2001 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Claims 3-5 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 1,13,17,15,19,9,35,25, and 26. Correction is required.
3. The drawings are objected to because the dimensions mentioned in Figures 3-5 have not completely discussed. Correction is required.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

It appears that the abstract has more than 150 words.

5. The disclosure is objected to because of the following informalities: the word "champfered" appears to be a misspelling.

Appropriate correction is required.

#### *Claim Objections*

6. Claim 2 is objected to because of the following informalities: the word "champfered" appears to be a misspelling. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Geschwender'214.

Geschwender'214 shows an articulating chair (1) comprising a knockdown frame having a pair of separate U-shaped frame portions (5,7), wherein one is a seat frame portion and the other is a backrest frame portion. A pair of generally L-shaped connectors (9) are adapted to fit with

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the ends of the frame portions to form a rigid L-shaped frame. A removable cover (11) is disclosed to fit over the frame. The cover has a top panel section sewn against a bottom panel section, a side panel section sewn, and a cushion enclosed in between the sections.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geschwender'214 in view of Zavaglia.

Geschwender'214 discloses the claimed invention except for the U-shaped frame portions to have ends that are chamfered.

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Zavaglia teaches the inventive concept of a joint having beveled portions (38',40') and grooves on each of the joint elements (12',14') for locking interconnection. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the U-shaped frame portions and L-shaped connectors of Geschwender'214's chair to have beveled portions and grooves as taught by Zavaglia in order to provide an effective locking interconnection and prevent any accidental separation between the U-shaped frame portions and L-shaped connectors.

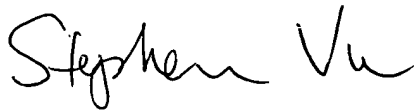
With claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the U-shaped frame portions be Zinc plated, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for its intended use. *In re Leshin*, 125 USPQ 416.

### ***Conclusion***


12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watson et al, Shields, Allard, O'Neil, Blanchard et al, and McCauley are cited as showing similar types of chair.

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13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Stephen Vu, whose telephone number is (703) 308-1378.



Stephen Vu  
Patent Examiner  
February 7, 2002



Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600